

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 31 2005 ★
BROOKLYN OFFICE

HEIMERL LAW FIRM

Wolfgang Heimerl, Esq. (WH-5192)
67 Wall Street
Suite 2211, PMB-8370
New York, New York 10005
Tel. (212) 709-8370

Attorneys for Plaintiff

ADOLFO FORTI MARMI S.P.A.

ADOLFO FORTI MARMI S.P.A.,

Plaintiff,

vs.

MARBLE MODES INC.,

Defendant.

Approved.
5/26/05
CIVIL ACTION NO. 04 - 4471 (JBW)

DEFAULT JUDGMENT

This action having been commenced on October 12, 2004 with the filing of a Summons and Complaint and copies of the Summons and Complaint having been served upon Defendant Marble Modes, Inc. personally on November 15, 2004 and proof of such service having been filed on December 7, 2004, and the Defendants not having answered the Complaint, and the time for answering the Complaint having expired, it is,

ORDERED, ADJUDGED AND DECREED: that Plaintiff have judgment against Defendant, Marble Modes, Inc., in the liquidated amount of \$152,774.73 with interest at 9% amounting to \$26,292.57, amounting in all to \$179,067.30

Dated: Brooklyn, New York
March __, 2005

ROBERT C. HEINEMANN
Clerk of the Court

By: _____
Deputy Clerk

[Handwritten signature]

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HEIMERL LAW FIRM

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67 Wall Street
Suite 2211, PMB-8370
New York, New York 10005
Tel. (212) 709-8370

Attorneys for Plaintiff

ADOLFO FORTI MARMI S.P.A.

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Plaintiff,

vs.

MARBLE MODES INC.,

Defendant.

CIVIL ACTION NO. 04 - 4471 (JBW)

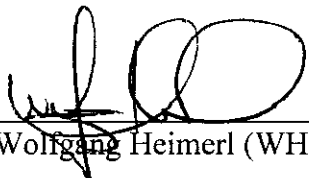
**AFFIRMATION OF
WOLFGANG HEIMERL
IN SUPPORT OF PLAINTIFF'S
REQUEST FOR THE ENTRY OF A
DEFAULT JUDGMENT**

WOLFGANG HEIMERL, ESQ., does hereby affirm, under the penalty of perjury, as follows:

1. I am an attorney admitted to practice in this Court and am the attorney of record for the Plaintiff, Adolfo Forti Marmi, S.P.A., in the above-captioned action.
2. I submit this Affirmation in support of Plaintiff's request for the entry of a Default Judgment pursuant to *Federal Rule of Civil Procedure 55(b)(1)* and *Local Rule 55.2(a)*.
3. This is an action is for breach of purchase agreements. As set forth in the Complaint, which is annexed hereto as Exhibit A, Defendants have failed to fulfill their contractual obligations.
4. Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332, inasmuch as diversity exists among the parties, and the amount in controversy, exclusive of interest and costs, exceeds the jurisdictional requirement of \$75,000.00

5. Plaintiff filed the instant action on October 12, 2004.
6. On November 15, 2004 Defendant Marble Modes, Inc. was served with a copy of the Summons and Complaint. A copy of the Affidavit of Service is annexed hereto as Exhibit B.
7. The Affidavit of Service on Defendant Marble Modes, Inc. was filed on December 7, 2004.
8. The time to answer the Complaint has expired.
9. The allegations set forth in the Complaint are, to the best of Plaintiff's knowledge, true and correct. In order to facilitate the entry of a Default Judgment at this time, Plaintiff hereby waives any claims for attorney's fees and/or any other substantive relief. Annexed hereto as Exhibit C is the Affidavit of Plaintiff.
10. Subsequent to the preparation of Plaintiff's Affidavit, this office received two additional payments, of \$5,000.00 each, on account of Defendant's debt (dated January 28, 2005 and February 23, 2005) which have been forwarded to the Plaintiff. Accordingly, the Judgment sought is for \$179,067.30 (\$10,000.00 less than that amount sought in Plaintiff's Affidavit).
11. It is requested that a Default Judgment be entered at this time for the liquidated amounts as set forth in the Declaration of Carmine Losco and the exhibits annexed thereto, less the \$10,000.00 received subsequent thereto.
12. Accordingly, Plaintiff Adolfo Forti Marmi, S.P.A. respectfully requests the entry of a Default Judgment against Defendant Marble Modes, Inc. in the amount of \$179,067.30.

Dated: March 24, 2005


Wolfgang Heimerl (WH-5192)

COPY

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HEIMERL LAW FIRM

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67 Wall Street
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Attorneys for Plaintiff

ADOLFO FORTI MARMI S.P.A.

ADOLFO FORTI MARMI S.P.A.,

Plaintiff,

vs.

MARBLE MODES INC.,

Defendant.

CV 04 4471
CIVIL ACTION NO. 04 - _____ ()

COMPLAINT

Plaintiff, Adolfo Forti Marmi S.p.A., by way of Complaint against defendant, Marble Modes Inc., states as follows:

THE PARTIES

1. Plaintiff Adolfo Forti Marmi S.p.A. ("Adolfo") is a business entity organized and existing pursuant to the laws of Italy with its principal business address located at Via Carriona 430, Carrara, Italy 54031.

2. Upon information and belief, defendant Marble Modes, Inc. ("MM") is a corporation organized and existing pursuant to the laws of the State of New York with its principal place of business at 15-25 130th Street, College Point, New York 11356.

JURISDICTION AND VENUE

3. Inasmuch as diversity exists among the parties, and the amount in controversy, exclusive of interest and costs, exceeds the jurisdictional requirement, jurisdiction is appropriate pursuant to 28 U.S.C. § 1332. Upon information and belief, MM maintains an office for the conduct of business in the, County of Queens, State of New York. Accordingly, venue in this Court is appropriate pursuant to 28 U.S.C. § 1391(a).

THE UNDERLYING FACTS

4. Adolfo is an Italian exporter of, among other things, Carrara marble.
5. Upon information and belief, MM is, among other things, a distributor of marble in the United States.
6. At all relevant times, Adolfo and MM maintained a business relationship wherein Adolfo would export marble to the United States at the express request MM.
7. The course of conduct between the parties is that MM would issue a written order to Adolfo, and Adolfo would prepare an order confirmation which was countersigned by MM -- thereby creating a contract to purchase the requested goods.

COUNT I **(Breach of Contract)**

8. Adolfo repeats, reiterates and re-alleges the allegations in set forth in paragraphs 1 through 7 above as if fully set forth herein
9. During the years 2002, 2003 and 2004, MM placed, at least, 11 orders for goods from Adolfo.

10. Adolfo shipped the orders as requested, and confirmed, by MM.

11. Adolfo issued invoices for the above-referenced shipments in the amount of \$191,789.94, of which the sum of \$15,000.00 has been paid and \$176,789.94 remains due and outstanding as of the date hereof.

12. Despite demand by Adolfo, MM has failed and refused to pay the remaining outstanding portions of the above-referenced invoices in the aggregate sum of \$176,789.94.

13. As a result of defendant's breach of the contract, Adolfo has suffered damages in the amount of \$176,789.94, together with interest and late charges.

COUNT II
(Account Stated)

14. Adolfo repeats, reiterates and re-alleges the allegations in set forth in paragraphs 1 through 13 above as if fully set forth herein.

15. Adolfo presented to MM invoices on account of the goods shipped.

16. MM has accepted, without objection, the invoices representing the outstanding amount of \$191,789.94, and has made only partial payments, totaling \$15,000.00 as detailed above, thereon.

17. As a result of the foregoing, Adolfo has suffered damages in the amount of \$176,789.94, together with interest and late charges.

WHEREFORE, Adolfo respectfully demands Judgment against MM as follows:


(A) On Count I of the complaint, compensatory damages in an amount of \$176,789.94, together with interest and late charges,

(B) On Count II of the complaint, compensatory damages in an amount of \$176,789.94, together with interest and late charges,

- (C) For an award of plaintiff's costs of this action, including without limitation, attorneys' fees; and
- (D) For such other, further or different relief as this Court may deem proper, just and appropriate.

Dated: October 1, 2004

HEIMERL LAW FIRM
Attorney for Plaintiff

By: 
Wolfgang Heimerl, Esq. (WH-5192)

AFFIDAVIT OF SERVICE UPON A CORPORATION

Y

INDEX # EV044-471

DATE PURCHASED

WAS ENDORSED ON

THE DOCUMENT SERVED

U.S. DISTRICT COURT OF THE STATE OF NEW YORK
COUNTY OF Eastern

HEIMERL LAW FIRM
75 Claremont Rd Ste 21
BERNARDSVILLE
NY 07934

- against -

Marble Modes Inc

(960) 766-0385

City File #

Record # 58035

File # 343

CITY OF NEW YORK: COUNTY OF NASSAU: ss

Dever Mitchell being duly sworn deposes and says deponent
is not a party to this action and is over the age of eighteen years
and resides in the state of New York:

and on 11/15/04 at 2:30pm at 15 25 130th Street College Point, N.Y. 11356
deponent served the within Summons In A Civil Action & Complaint & Civil Cover Sheet
by personally delivering to and leaving with Marie "Doo"
for Marble Modes Inc

True copy thereof, and that deponent knew the person so served
to be the Receptionist and stated (s)he was authorized to
accept legal papers for the corporation.

Description of the person served is as follows:

Approx Age: 32 Years Approx Weight: 140 Lbs. Approx Height: 5'6"
Sex: Female Color of Skin: Yellow Color of Hair: Brown
Deponent Refused To Give Last Name

The following does not apply to this affidavit of service:

confirmed the above address of defendant and asked whether defendant was in active military
service of the United States or the State of New York in any capacity whatever or is a dependent
of anyone in the military and received a negative reply. Defendant wore ordinary civilian clothes
and no military uniform. The source of my information and the grounds of my belief are the
conversations and observations above narrated. Upon information and belief I aver that defendant is
not in the military service of New York State or of the United States as that term is defined in either the
State or in Federal statutes.

Sworn to before me this 11/17/04

Jeffrey Wittenberg #41-4036457

New York, State of New York

Notary Public, Commission Expires 11/17/06

Dever Mitchell

Supreme Judicial Services, Inc.

371 Merrick Road • Rockville Centre, N.Y. 11570 • (516) 825-7680

225 Broadway • New York, N.Y. 10007 • (212) 319-7171

FAX (516) 568-0812



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

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Suite 2211, PMB-8370
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Attorneys for Plaintiff
ADOLFO FORTI MARMI S.P.A.

ADOLFO FORTI MARMI S.P.A.,

Plaintiff,

vs.

MARBLE MODES INC.,

Defendant.

CIVIL ACTION NO. 04 - 4471 (JBW)

**DECLARATION
OF
CARMINE LOSCO**

I, CARMINE LOSCO, hereby declare as follows:

1. I am an individual residing in Italy and am the General Manager of the Plaintiff Adolfo Forti Marmi S.p.A. ("Adolfo"). I am personally familiar with the facts set forth herein, and if sworn to witness, I would, and I could, competently testify thereto.

2. I make this declaration in support of Adolfo's application for the entry of a Judgment, by default, as against Defendant Marble Modes, Inc.

3. I have read the Complaint in the above-captioned matter and I believe the allegations set forth therein to be true and correct as of the date thereof.

4. At the time of the filing of the Complaint, there remained due and outstanding the principal sum of \$176,789.94 for invoices rendered on account of goods provided during the period 2002 through and including 2004.

5. Since the time of the filing of the Complaint, the Defendant has made payments, in the total sum of \$14,015.21¹, on account of the past due invoices set forth in the Complaint.

6. Therefore, as of the date hereof, the outstanding amount due on the invoices set forth in the Complaint is \$162,774.73. The invoices which make up the amounts past due are collectively annexed as Exhibit A.

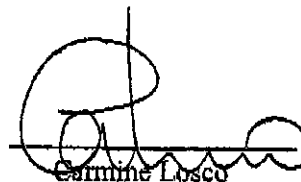
7. As set forth on Adolfo's invoices (See, Exhibit A), all invoices are to be paid within ninety (90) days. All invoices not paid within ninety (90) days accrue interest beginning the ninety-first (91) day.

8. As set forth on the schedule annexed as Exhibit B, the interest due on the outstanding invoices is the total amount of \$26,292.57.²

9. Accordingly, Adolfo respectfully requests Judgment as against Marble Modes, Inc. in the total sum of \$189,067.30.

I certify that under the penalties of perjury, under the laws of the State of New York and the United States of America and Italy that the foregoing is true and correct.

Executed on this 17th day of January 2005.



Carmine Losco

¹ Defendant has made three payments of \$5,000.00 each, one on or about November 1, 2004; December 7, 2004; and January 5, 2005. Of the \$15,000.00 received, \$984.79 was on account of an invoice which predated those set forth in the Complaint.

² No rate of interest is stated on each invoice. Accordingly, interest has been calculated at the rate of 9% per annum as allowed in the State of New York.

Exhibit A

Stabilimento e Sede:
Via Carriona, 430/a
54033 CARRARA (MS) Italy
Tel. +39 0585 857233/4
Tel. +39 0585 858901/2/3/4
Fax +39 0585 52246/7
Casella Postale n. 74
www.adolfoforti.com
E mail: info@adolfoforti.com



adolfo forti marmi S.p.A.



M. MS 000587



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

26.09.2002

INVOICE N. 1195/2002

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N KNLU 335691/1
N 8 BUNDLES
KOS 21.500
SEAL N 09902

REF 3455/2002
POWCAR140

BIANCO CARRARA
POLISHED SLABS

66 PCS	2,00 CM.THK.	2790,372 SF	3,15 US\$	8.789,67
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REF 3763/2002

14 PCS	2,00 CM.THK.	552,774 SF	3,15 US\$	1.741,24
10 PCS	3,00 CM.THK.	420,180 SF	4,10 US\$	1.722,74

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US\$	12.253,65
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Operazione non imponibile iva ai sensi



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



MARBLE INSTITUTE OF AMERICA

Stabilimento e Sede:
Via Carriona, 430/a
54033 CARRARA (MS) Italy
Tel. +39 0585 857233/4
Tel. +39 0585 858901/2/3/4
Fax +39 0585 52246/7
Casella Postale n. 74
www.adolfoforti.com
E mail: info@adolfoforti.com

AF

adolfo forti marmi S.p.A.



MI 815 000582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

17.10.2002

INVOICE N. 1325/2002

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N HJCU 800558/9
N 8 BUNDLES
KOS 21.500

REF 3890/2002

ZIMBABWE BLACK
POLISHED SLABS
65 PCS

2,00 CM.THK. 3819,882 SF

5,13 US\$

19.595,99

US\$

19.595,99

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633
del 26.10.1972

Subject to the acceptance of our Sales Agreement available on
www.adolfoforti.com/agreement.htm. Please feel free to contact us
for receiving the same by fax



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



MARBLE INSTITUTE OF AMERICA

Stabilimento e Sede:
Via Carnona, 430/a
54033 CARRARA (MS) Italy
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www.adolfoforti.com
E mail: info@adolfoforti.com



adolfo forti marmi S.p.A.



M. MS 000582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

30.10.2002

INVOICE N. 1381/2002

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N POCU 053413/7
N 8 BUNDLES
KOS 21.000

REF 3890/2002

GIALLO VENEZIANO
POLISHED SLABS

33 PCS	3,00 CM.THK.	1637,084 SF	7,26 US\$	11.885,23
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TROPIC BROWN

POLISHED SLABS

15 PCS	3,00 CM.THK.	882,688 SF	6,12 US\$	5.402,05
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TROPIC BROWN

POLISHED SAMPLE NO COMMERCIAL VALUE

1 PCS	3,00 CM.THK.	1,000 PCS	10,00 US\$	10,00
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US\$	17.297,28
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Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633



cod. fisc. 00060620457
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C.C.I.A.A. REA n. 20763



MEMBER



INSTITUTE OF AMERICA

Stabilimento e Sede:
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54033 CARRARA (MS) Italy
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adolfo forti marmi S.p.A.



NI MS 000582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

30.10.2002

INVOICE N. 1385/2002

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N INBU 330006/3
N 9 BUNDLES
KOS 21.500

REF 3890/2002

VERDE FONTAINE
POLISHED SLABS

11 PCS	3,00 CM.THK.	587,258 SF	6,05 US\$	3.552,91
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GOLDEN LEAF

POLISHED SLABS

13 PCS	3,00 CM.THK.	568,925 SF	7,41 US\$	4.215,73
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GIALLO VENEZIANO

POLISHED SLABS

15 PCS	3,00 CM.THK.	755,441 SF	7,26 US\$	5.484,50
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GIALLO VENEZIANO

POLISHED SAMPLE NO COMMERCIAL VALUE

1 PCS	2,00 CM.THK.	1,000 PCS	10,00 US\$	10,00
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ZIMBABWE BLACK

POLISHED SLABS

11 PCS	3,00 CM.THK.	578,978 SF	6,70 US\$	3.879,15
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US\$ 17.142,29

Operazione non imponibile iva ai sensi



cod. fisc. 00060620457
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C.C.I.A.A. REA n. 20763



MEMBER



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adolfo forti marmi S.p.A.



RI. MS. 030582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

2.04.2003

INVOICE N. 365/2003

For the following materials delivered EX-FACTORY, in Container
bundled and crated

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N HJCU 800559/4

N 8 BUNDLES + N 1 CRATE

KOS 21.500

SEAL N 04646

REF 4305/2003

N 4 BUNDLES - KOS 9.500

VERDE LAVRAS

POLISHED GRANITE SLABS 68029310

22 PCS	3,00 CM.THK.	1146,130 SF	6,20 US\$	7.106,01
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N 4 BUNDLES - KOS 11.100

SUPAI

HONED MARBLE SLABS 68029190

19 PCS	2,00 CM.THK.	764,129 SF	3,25 US\$	2.483,42
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SUPAI

HONED MARBLE SLABS 68029190

14 PCS	3,00 CM.THK.	538,399 SF	4,30 US\$	2.315,12
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N 1 CRATE - KOS 900

MARBLE BIANCO CARRARA ROUGH



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



MARBLE INSTITUTE OF AMERICA

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adolfo forti marmi S.p.A.



M. MS 000867



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSEKS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

2.04.2003

INVOICE N. 365/2003

68022100				
PIECE 56" X 14 1/2" 8 1/2"	1,000 PCS	590,00 US\$		590,00
PIECE 38" X 13" 7"	2,000 PCS	295,00 US\$		590,00
PIECE 72" X 30" 3"	1,000 PCS	580,00 US\$		580,00
				=====
		US\$		13.664,55
				=====

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633
del 26.10.1972

Subject to the acceptance of our Sales Agreement available on
www.adolfoforti.com/agreement.htm. Please feel free to contact us
for receiving the same by fax



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parlita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



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adolfo forti marmi S.p.A.



RI. MS 00582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

11.07.2003

INVOICE N.

806/2003

For the following materials delivered EX-FACTORY, in Container
crated

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N TRLU 904052/6 (PARTIAL)

N 1 CRATE

KOS 950

SEAL N 02693 02913

REF 4594/2003

MARBLE STATUARIO POLISHED

68029190

PIECE 12,7 CM THICK = SF 26,156

1,000 PCS

1.950,00 US\$

1.950,00

=====

US\$

1.950,00

=====

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633
del 26.10.1972

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partita iva IT 00060620457
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AF

adolfo forti marmi S.p.A.



M MS 600562



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

18.12.2003

INVOICE N. 1417/2003

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

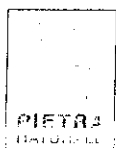
CONTAINER N POCU 058840/5
N 9 BUNDLES
KOS 21.500
SEAL N 0011693

REF 5104/2003
03/1212

N 4 BUNDLES - KOS 9.300			
GIALLO VENEZIANO			
POLISHED GRANITE SLABS 68029310			
25 PCS	3,00 CM.THK.	1115,936 SF	7,95 US\$ 8.871,69
N 2 BUNDLES - KOS 4.700			
ZIMBABWE BLACK			
POLISHED GRANITE SLABS 68029310			
14 PCS	2,00 CM.THK.	836,428 SF	5,80 US\$ 4.851,28
N 3 BUNDLES - KOS 7.500			
BIANCO CARRARA			
POLISHED MARBLE SLABS 68029190			
33 PCS	2,00 CM.THK.	1467,644 SF	3,50 US\$ 5.136,75
			=====
			US\$ 18.859,72
			=====



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



Stabilimento e Sede:
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54033 CARRARA (MS) Italy
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Tel. +39 0585 858901/2/3/4
Fax +39 0585 52246/7
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www.adolfoforti.com
E mail: info@adolfoforti.com



adolfo forti marmi S.p.A.



M. MS 000587



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

23.12.2003

INVOICE N. 1438/2003

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N POCU 043298/4

N 8 BUNDLES

KGS 20.000

SEAL N 0012021

REF 5104/2003

03/1212

VERDE LAVRAS

POLISHED GRANITE SLABS 68029310

43 PCS

3,00 CM.THK.

2298,526 SF

6,50 US\$

14.940,42

US\$

14.940,42

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633
del 26.10.1972

Subject to the acceptance of our Sales Agreement available on



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



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IM 615 000587



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

5.03.2004

INVOICE N.

251/2004

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N. MSCU 313964/0
SEAL 438636
N. 8 BUNDLES
KOS.21500

BIANCO CARRARA 68029190
POLISHED MARBLE SLABS

23 PCS	2,00 CM.THK.	909,420 SF	4,75 US\$	4.319,75
8 PCS	5,00 CM.THK.	365,397 SF	11,70 US\$	4.275,14
16 PCS	3,00 CM.THK.	745,893 SF	6,50 US\$	4.848,30

BLACK MORGAN 68029310
POLISHED GRANITE SLABS

12 PCS	3,00 CM.THK.	573,619 SF	10,70 US\$	6.137,72
				=====
				US\$ 19.580,91
				=====

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DPR 633
del 26.10.1972



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00050620457
C.C.I.A.A. REA n. 20763



MEMBER



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adolfo forti marmi S.p.A.



W. MIS 000262



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

29.03.2004

INVOICE N.

332/2004

For the following materials delivered EX-FACTORY, in Container O/T
bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N. OCLU 419434/0
SEALS N.G 411671- G 411672
N. 8 BUNDLES KOS. 21.500

PO GVENLTI
OUR REF 5227/2004

GIALLO VENEZIANO 68029310
POLISHED GRANITE SLABS

47 PCS

3,00 CM.THK. 2631,006 SF

8,50 US\$

22.363,55

=====

US\$

22.363,55

=====

Operazione non imponibile iva ai sensi
Articolo 8 1.Comma Lettera B DFR 633
del 26.10.1972

Subject to the acceptance of our Sales Agreement available on
www.adolfoforti.com/agreement.htm. Please feel free to contact us



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



Stabilimento e Sede:
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adolfo forti marmi S.p.A.



MI. MS. 000582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

20.04.2004

INVOICE N.

415/2004

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N. SUDU 152009/5

SEAL N. 0020438

N. 8 BUNDLES

KOS. 21.000

PO SAWT404

SARDINIAN WHITE 68029310

POLISHED GRANITE SLABS

11 PCS	3,00 CM.THK.	661,558 SF	4,40 US\$	2.910,86
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PO BABR404

BALTIC BROWN 68029310

POLISHED GRANITE SLABS

30 PCS	3,00 CM.THK.	1465,162 SF	5,70 US\$	8.351,42
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PO GHIB104

GHIBLI 68029310

POLISHED GRANITE SLABS

7 PCS	3,00 CM.THK.	366,645 SF	6,70 US\$	2.456,52
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US\$	13.718,80
------	-----------

Operazione non imponibile iva ai sensi



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



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AF

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MI MS 000582



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA,

26.04.2004

INVOICE N.

439/2004

For the following materials delivered EX-FACTORY, in Container bundled.

Payment: Direct Remittance at 90 days from Invoice's date

COUNTRY OF ORIGIN ITALY

CONTAINER N. MSCU 123017/5

SEAL N. 0012269

N. 9 BUNDLES

KOS. 21400

OUR REF 5286/2004

GIALLO CECILIA 68029310

POLISHED GRANITE SLABS

22 PCS	3,00 CM.THK.	1078,710 SF	6,50 US\$	7.011,62
PO GSTC104				

VERDE MARINACE 68029310

POLISHED GRANITE SLABS

13 PCS	3,00 CM.THK.	568,173 SF	8,40 US\$	4.772,65
PO VEMAC104				

VOLGA BLUE 68029310

POLISHED GRANITE SLABS

11 PCS	3,00 CM.THK.	600,387 SF	10,90 US\$	6.544,22
PO VOBLU 404				



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



MEMBER



EUROPE INSTITUTE OF AMERICA

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adolfo forti marmi S.p.A.



IM. MS 00008'



Capitale Sociale € 900.000,00 i.v. - produzione marmi e graniti grezzi e lavorati

MESSRS
MARBLE MODES Inc.
15-25 130th Street
11356 COLLEGE POINT, NY USA

CARRARA, 26.04.2004

INVOICE N. 439/2004

GIBLI 68029310
POLISHED GRANITE SLABS
6 PCS
PO GIB104

3,00 CM.THK.	312,581 SF	6,70 US\$	2.094,29
			=====
			US\$ 20.422,78
			=====

Operazione non imponibile iva ai sensi
articolo 8 i.Comma Lettera B DPR 633
del 26.10.1972

Subject to the acceptance of our Sales Agreement available on
www.adolfoforti.com/agreement.htm. Please feel free to contact us
for receiving the same by fax



cod. fisc. 00060620457
partita iva IT 00060620457
registro delle imprese MS n. 00060620457
C.C.I.A.A. REA n. 20763



INTERNATIONAL ASSOCIATION OF MARBLE AND GRANITE PRODUCERS

Exhibit B

Interest Calculation

Invoice Number	Invoice Date	Payment Due Date	Invoice Amount	Amount Paid	Date Paid	Days Past Due	Amount Past Due	Interest Due
1057/2002			\$984.79	\$984.79	08/10/04	593	\$0.00	\$1,791.72 0.000247
1195/2002	09/26/02	12/25/02	\$12,253.65	\$4,015.21	08/10/04	614		\$1,247.28 0.000247
				\$5,000.00	09/01/04	642		\$512.65 0.000247
				\$3,238.44	09/29/04	622	\$0.00	\$3,005.43 0.000247
1325/2002	10/17/02	01/15/03	\$19,595.99	\$1,761.56	09/29/04	655		\$2,880.38 0.000247
				\$5,000.00	11/01/04	691		\$2,186.78 0.000247
				\$5,000.00	12/07/04	720		\$503.21
				\$5,000.00	01/05/05	712	\$2,834.43	\$3,036.74 0.000247
1381/2002	10/30/02	01/28/03	\$17,297.28			713	\$17,297.28	\$3,013.76 0.000247
1385/2002	10/30/02	07/01/03	\$17,142.29			560	\$17,142.29	\$1,886.83 0.000247
365/2003	04/02/03	10/09/03	\$13,664.55			459	\$13,664.55	\$220.70 0.000247
806/2003	07/11/03	03/18/04	\$1,950.00			291	\$1,950.00	\$1,353.25 0.000247
1417/2003	12/18/03	03/23/03	\$18,859.72			294	\$18,859.72	\$1,083.08 0.000247
1438/2003	12/23/03	06/04/04	\$14,940.42			215	\$14,940.42	\$1,038.06 0.000247
251/2004	03/05/04	06/28/04	\$19,580.91			197	\$19,580.91	\$595.36 0.000247
332/2004	03/29/04	07/19/04	\$22,363.55			176	\$22,363.55	\$851.04 0.000247
415/2004	04/20/04		\$13,718.80				\$20,422.78	
439/2004	04/26/04		\$20,422.78				\$162,774.73	\$26,292.57
			\$192,774.73	\$30,000.00				

Total Amount Due: \$189,067.30

Less Payments on 1/28/05 & 2/23/05: \$10,000.00

Total Now Due: \$179,067.30

DIF

HEIMERL LAW FIRM
1 Anderson Road, Suite 105
Bernardsville, New Jersey 07924

Wolfgang Heimerl
Admitted in NJ & NY

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Fax: (908) 766-4821

New York Office:
67 Wall Street
Suite 2211, PMB-8370
New York, New York 10005
Tel.: (212) 709-8370

April 19, 2005

Via UPS Overnight Delivery

Honorable Cheryl L. Pollack
United States District Court
for the Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Adolfo Forti Marmi S.p.A. v. Marble Modes, Inc.

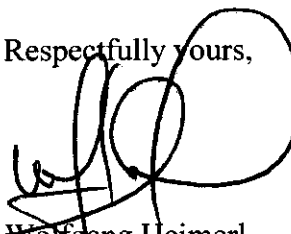
Dear Judge Pollack:

This firm represents the plaintiff, Adolfo Forti Marmi S.p.A., in the above-referenced action.

This letter is written in response to Your Honor's Order of March 21, 2005 seeking a status update on this case. On March 25, 2005, this firm filed, via the ECF system a: (i) Clerk's Certificate; (ii) proposed Default Judgment; and (iii) Affirmation in Support of plaintiff's request for the entry of a default Judgment. There has been no further docket entries and we await entry of the Default Judgment. For Your Honor's ready reference, we enclosed Chamber's Copies of these documents.

Should you have any additional questions, do not hesitate to contact the undersigned.

Respectfully yours,



Wolfgang Heimerl

WH/

cc: Clerk of the Court (w/enclosures, via UPS Overnight Delivery)